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89TH CONGRESS
2D SESSION

H. R. 12488

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1966

Mr. POAGE introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for purposes of research or experimentation, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That, in order to protect the owners of dogs and cats and
- 4 other animals from theft of such pets and to prevent the sale
- 5 or use of stolen dogs and cats and other animals for purposes
- 6 of research and experimentation, it is essential to regulate
- 7 the transportation, purchase, sale, or handling of dogs, cats,
- 8 and other animals by persons or organizations engaged in

1 using them for research or experimental purposes or in trans-
2 porting, buying, or selling them for such use.

3 SEC. 2. When used in this Act—

4 (a) The term “person” includes any individual,
5 partnership, association, or corporation.

6 (b) The term “Secretary” means the Secretary of
7 Agriculture.

8 (c) The term “commerce” means commerce be-
9 tween any State, territory, or possession, or the District
10 of Columbia, or Puerto Rico, and any place outside
11 thereof; or between points within the same State, terri-
12 tory, or possession, or the District of Columbia, but
13 through any place outside thereof; or within any terri-
14 tory or possession or the District of Columbia.

15 (d) The term “dog” means any live dog of the
16 species (*Canis familiaris*) for use or intended to be used
17 for research, tests, or experiments at research facilities.

18 (e) The term “cat” means any live domestic cat
19 (*Felis catus*) for use or intended to be used for research,
20 tests, or experiments at research facilities.

21 (f) The term “animal” means any vertebrate ani-
22 mal for use or intended to be used for research, tests, or
23 experiments at research facilities.

24 (g) The term “research facility” means any school,
25 institution, organization, or person that uses or intends

1 to use dogs, cats, or other animals in research, tests, or
2 experiments, and that purchases or transports any such
3 animals in commerce.

4 (h) The term "dealer" means any person who for
5 compensation or profit delivers for transportation, trans-
6 ports, buys, or sells dogs, cats, or other animals in com-
7 merce for research purposes.

8 SEC. 3. It shall be unlawful for any research facility to
9 purchase or transport dogs, cats, or other animals in com-
10 merce unless and until such research facility shall have ob-
11 tained a license from the Secretary or to acquire any dog,
12 cat, or other animal from any person except a dealer holding
13 a valid license.

14 SEC. 4. It shall be unlawful for any dealer to sell or
15 offer to sell or to transport to any research facility any dog,
16 cat, or other animal, or to buy, sell, offer to buy or sell, trans-
17 port or offer for transportation in commerce to or from
18 another dealer under this Act any such animal, unless and
19 until such dealer shall have obtained a license from the Secre-
20 tary and such license shall not have been suspended or re-
21 voked.

22 SEC. 5. The Secretary is authorized to promulgate
23 humane standards to govern the handling and transportation
24 of dogs, cats, and other animals by dealers and research facili-

1 ties, and to promote their health, well-being, and safety:
2 *Provided, however,* That this authority shall not be construed
3 to authorize the Secretary to set standards for the handling of
4 these animals during the actual research or experimentation.

5 SEC. 6. The Secretary is hereby authorized and directed
6 to issue licenses to research facilities and to dealers upon ap-
7 plication therefor in such form and manner as prescribed by
8 the Secretary and upon payment of the fee prescribed by the
9 Secretary pursuant to section 18 of this act: *Provided, That*
10 no such license shall be issued until the applicant shall have
11 demonstrated that his facilities comply with the standards
12 promulgated by the Secretary pursuant to section 5 of this
13 Act. The Secretary is further authorized to license, as deal-
14 ers, persons who do not qualify as dealers within the mean-
15 ing of this Act upon such persons' complying with the re-
16 quirements specified above and agreeing, in writing, to com-
17 ply with all the requirements of this Act and the regulations
18 promulgated by the Secretary hereunder.

19 SEC. 7. All dogs, cats, and other animals delivered for
20 transportation, transported, purchased, or sold in commerce
21 to any dealer or research facilities shall be marked or identi-
22 fied in such humane manner as the Secretary may prescribe.

23 SEC. 8. Research facilities and dealers shall make and
24 keep such records with respect to their purchase, sale, trans-
25 portation, and handling of dogs, cats, and other animals, as

1 the Secretary may prescribe. Such records shall be kept
2 open at all reasonable times to inspection by the Secretary
3 or any person duly authorized by him.

4 SEC. 9. The Secretary is authorized to cooperate with
5 the officials of the various States or political subdivisions
6 thereof in effectuating the purposes of this Act and of any
7 State, local, or municipal legislation or ordinance on the same
8 subject.

9 SEC. 10. No dealer shall sell or otherwise dispose of
10 any dog or cat within a period of five business days after
11 the acquisition of such animal or within such other period
12 as may be specified by the Secretary.

13 SEC. 11. The Secretary is authorized to promulgate
14 such rules, regulations, and orders as he may deem necessary
15 in order to effectuate the purposes of this Act.

16 SEC. 12. (a) If the Secretary has reason to believe
17 that any research facility has violated or is violating any
18 provision of this Act or any of the rules or regulations
19 promulgated by the Secretary hereunder, the Secretary, after
20 notice and opportunity for hearing, may make an order that
21 such research facility shall cease and desist from continuing
22 such violation. If the Secretary determines that such viola-
23 tion was willful, he shall also prepare a report in writing
24 in which he shall state his findings as to the facts and

1 shall certify such report to each agency of the Federal Gov-
2 ernment furnishing funds to such research facility to
3 finance research, tests, or experiments involving the use
4 of dogs, cats, or other animals with a recommendation that
5 such funds be withdrawn for such period as the Secretary
6 may specify, and each such agency so notified shall suspend
7 all such payments, loans, or grants to such research facility,
8 all other laws or parts of law notwithstanding.

9 (b) If the Secretary has reason to believe that any per-
10 son licensed as a dealer has violated or is violating any pro-
11 vision of this Act or any of the rules or regulations promul-
12 gated by the Secretary hereunder, the Secretary may suspend
13 such person's license temporarily, but not to exceed twenty-
14 one days, and, after notice and opportunity for hearing, may
15 suspend for such additional period as he may specify, or re-
16 voke, such license if such violation is determined to have
17 occurred and may make an order that such person shall cease
18 and desist from continuing such violation.

19 (c) Any research facility, dealer, or other person
20 aggrieved by a final order of the Secretary issued pursuant to
21 subdivisions (a) and (b) of this section may, within sixty
22 days after entry of such order, file a petition to review such
23 order in the United States court of appeals for the judicial
24 circuit in which the party or any of the parties filing the peti-

tion for review resides or has its principal office, or in the United States Court of Appeals for the District of Columbia. Upon the filing and service of a petition to review, the court of appeals shall have jurisdiction of the proceeding. For the purposes of this Act, the provisions of chapter 19A (Hobbs Act) of title 5, United States Code, shall be applicable to appeals pursuant to this section.

SEC. 13. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer, or a person licensed as a dealer pursuant to the second sentence of section 6, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, or other person as well as of such individual.

SEC. 14. Any research facility or dealer who operates without a license from the Secretary issued pursuant to this Act or while such license is suspended or revoked, and any research facility, dealer, or person licensed as a dealer pursuant to the second sentence of section 6 who knowingly fails to obey a cease-and-desist order made by the Secretary under the provisions of section 13 of this Act shall forfeit to the United States the sum of \$500 for each offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States. It shall be the duty of the various

1 United States attorneys, under the direction of the Attorney
2 General, to bring suit for the recovery of forfeitures.

3 SEC. 15. Whenever it shall appear to the Secretary that
4 any person has engaged, is engaging, or is about to engage
5 in any act or practice constituting a violation of any pro-
6 vision of this Act, or any rule, regulation, or order there-
7 under, the Secretary may notify the Attorney General, and
8 the Attorney General may bring an action in the proper
9 district court of the United States or the proper United
10 States court of any territory or other place subject to the
11 jurisdiction of the United States, to enjoin such act or prac-
12 tice and to enforce compliance with this Act, or any rule,
13 regulation, or order thereunder, and said courts shall have
14 jurisdiction to entertain such actions. Any action under
15 this section may be brought in the district wherein the
16 defendant is found or is an inhabitant or transacts business
17 or in the district where the act or practice in question
18 occurred or is about to occur, and process in such cases
19 may be served in any district where the defendant may be
20 found.

21 SEC. 16. If any provision of this Act or the application
22 of any such provision to any person or circumstances, shall
23 be held invalid, the remainder of this Act and the applica-
24 tion of any such provision to persons or circumstances other

1 than those as to which it is held invalid shall not be affected
2 thereby.

3 SEC. 17. In order to finance the administration of this
4 Act, the Secretary shall charge, assess, and cause to be col-
5 lected reasonable fees for licenses issued. All such fees shall
6 be deposited in a fund which shall be available without fiscal
7 year limitation for use in administering the provisions of this
8 Act together with such funds as may be appropriated thereto
9 and there is hereby authorized to be appropriated such funds
10 as Congress may from time to time provide.

11 SEC. 18. This Act shall take effect one hundred and
12 twenty days after enactment.

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To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for purposes of research or experimentation, and for other purposes.

By Mr. POAGE

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